

STATE OF SOUTH CAROLINA ) BEFORE THE STATE ETHICS COMMISSION  
COUNTY OF RICHLAND )

In the Matter of: )  
COMPLAINT C2011-077 )

Kevin Johnson, )  
Respondent, )

Mike Green, )  
Complainant. )  
\_\_\_\_\_ )

**DECISION AND ORDER**

STATE ETHICS  
COMMISSION

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This matter comes before the State Ethics Commission by virtue of a complaint filed by the Complainant, Mike Green, on May 2, 2011. On July 20, 2011, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2010), the State Ethics Commission reviewed for probable cause the above-captioned complaint charging Respondent, Kevin Johnson, with a violation of Sections 8-13-700(A) and 8-13-1120.

Present at the meeting were Commission Members E. Kay Biermann-Brohl, Vice Chair, Edward E. Duryea, Richard H. Fitzgerald, JB Holeman, Jonathan H. Burnett, Priscilla L. Tanner, and G. Carlton Manley. Also present were the Commission's Executive Director, Herbert R. Hayden, Jr., and his immediate staff.

The following allegations were considered:

On May 2, 2011 the State Ethics Commission received a complaint filed by Mike Green against the Respondent, Kevin Johnson, Mayor of Manning. The complaint alleged that Respondent has taken his wife on at least two trips and the taxpayers of Manning paid for it. The complaint referred to a January 2010 trip to Greenville and a January 2011 trip to Charleston. It indicated that the City of Manning paid \$50 extra for Respondent's wife and there is no evidence that he reimbursed the city. The complaint also alleged that Respondent sent out Christmas cards using stamps and printing paid for

by the city. Also, Complainant alleged that Respondent failed to report on his Statement of Economic Interests form that he received expense money for three trips taken. Further, that Respondent received an increase in his salary and did not report this on his Statement of Economic Interests form.

### **STATEMENT OF FACTS**

Having carefully reviewed the evidence presented, the Commission finds as fact:

1. During the time of the allegations the Respondent, Kevin Johnson, was the Mayor of the City of Manning.
2. The investigation consisted of reviewing documents obtained from the City of Manning. The documents reveal that on November 23, 2009 Respondent paid the City of Manning a personal check in the amount of \$50.00 for the cost of his wife to stay with him at the Clarendon County Chamber of Commerce annual retreat in Greenville. Documents also disclose that Respondent used a personal credit card to pay the City of Manning an amount of \$50.00 to pay for his wife's stay at the Clarendon County Chamber of Commerce annual retreat in Charleston.
3. The December 2010 Christmas cards sent out by the City of Manning in Respondent's name were paid for by the City of Manning. The cards were representative of the Mayor's office.
4. A review by the Ethics Commission General Counsel Cathy Hazelwood determined that Respondent is not required to report the trips in question on his annual Statement of Economic Interests form (SEI).
5. Respondent's 2011 SEI would only reflect what his salary for mayor was in 2010. The raise in question should be reported in the SEI for next year.
6. Respondent denied all the allegations in the complaint.

**CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Fact, the Commission concludes, as a matter of law:

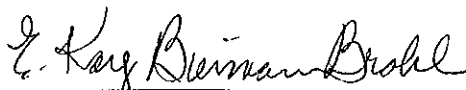
1. The Respondent, Kevin Johnson, is a public employee as defined by Section 8-13-100(25).
2. The State Ethics Commission has personal and subject matter jurisdiction.
3. Section 8-13-700(A) prohibits a public official from using his official office to obtain an economic interest for a business with which he is associated.

**DECISION**

Based upon the evidence presented, the State Ethics Commission has determined that there is not probable cause to indicate that the Respondent, Kevin Johnson, violated Sections 8-13-700(A) or 8-13-1120, S.C. Code Ann., 1976, as amended. The Commission has therefore dismissed the charges in accordance with Section 8-13-320(10)(i) and the rules and regulations promulgated thereunder.

IT IS SO ORDERED THIS 5<sup>th</sup> DAY OF August, 2011.

STATE ETHICS COMMISSION



E. KAY BIERMANN BROHL  
VICE CHAIR

COLUMBIA, SOUTH CAROLINA